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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,352	11/21/2003	John R. Wall	3257-031853	3304

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EXAMINER

MILLS, DANIEL J

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary.**

Application No.

10/719,352

Applicant(s)

WALL, JOHN R.

Examiner

Daniel J. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restriction*

Applicant's election of invention I in the reply filed on 6/13/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 17-20 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected method, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6/13/2005.

### *Drawings*

The drawings are objected to because the crosshatching is incorrect; the metal wires referred to in the specification are not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

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sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification Objections***

The abstract of the disclosure is objected to because the last sentence of the abstract refers to a non-elected invention, this should be deleted. Correction is required. See MPEP § 608.01(b).

The following title is suggested: Connection system for plastic web fencing.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the end connector" in the last line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the end connector" in the first line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the end connector" in the first line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

It will be assumed for purposes of this action that "the end connector" refers to the slotted connector.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Safe-Fence as shown on the April 8, 2001 archive of [www.safefence.com](http://www.safefence.com) accessible using the internet archive website "wayback machine" at:

<http://web.archive.org/web/20010311153850/www.safefence.com>. Please note also, the marked up attachment included on pages 9-11 of the instant Office action.

As to claim 1, Safe-Fence discloses a fence comprising a rail consisting of at least two metal wires ensheathed in a plastic web (the webbing used for the fence is disclosed as having stainless steel wires interwoven), a slotted connector (1) having a face plate (encompasses the entirety of 1) with two slots (A and B) and a middle portion (3) separating the two slots, the connector having a front side (facing away from reader)

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and a rear side (facing toward reader) and also having a post attachment end (2), a free end of the rail (4) being disposed in the slotted connector so that the rail runs from the front side of the connector through a first slot (A) nearest the post attachment end, round the middle portion (3), and then back through the second slot (B), and a post (5) to which the end connector is attached using a fastener (5).

As to claim 2, Safe-Fence discloses a fence wherein the end connector comprises return edges extending along opposing sides of the rigid member, the return edges extending perpendicularly from the faceplate (the hooks 6 shown on either side of component 2 on the R-50 corner tensioner, curve perpedicularly away from the plane of the faceplate).

As to claim 3, Safe-Fence discloses a fence wherein the end connector is attached to the post using a fastener (see figure 1) which permits the connector to pivot about the fastener.

As to claim 4, Safe-Fence discloses a fence wherein the faceplate further comprises a through hole (see 2) adapted to receive the fastener.

As to claim 5, Safe-Fence discloses a fence wherein the fastener is a lag bolt.

As to claim 6, Safe-Fence discloses a fence wherein the faceplate (encompasses the entirety of 1 includes a bend between the first slot and the post attachment end (2) (this is shown in figure 1 in the photo of the R-50 corner tensioner).

As to claim 7, Safe-Fence discloses a fence wherein the connector is made of steel.

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As to claim 8, Safe-Fence discloses a fence wherein the rail is rigid yet manually deformable (this is the case when the rail is assembled with the connector and is pulled taut).

As to claim 9, Safe-Fence discloses a fence wherein the post is a wooden post with a circular cross section (see the archive website at [http://web.archive.org/web/20010311150951/www.safefence.com/Install\\_End\\_Posts.htm](http://web.archive.org/web/20010311150951/www.safefence.com/Install_End_Posts.htm)).

As to claim 10, Safe-Fence discloses a fence further including a slotted joining connector (7) having a face plate with a first slot (8), a second slot (9), and a third slot (10), the joining connector having a front side (into the paper) and a rear side (out of the paper).

As to claim 11, Safe-Fence discloses a fence further comprising a second rail (shown in figure 3) consisting of at least two metal wires ensheathed in a plastic web, with ends of the first (11) and second (12) rails being in abutting relationship to each other (see figure 3).

As to claim 12, Safe-Fence discloses a fence wherein the first slot (8) and the second slot (9) are adapted to receive the abutting end of the first rail (11) and the second slot (9) and the third slot (10) are adapted to receive the abutting end of the second rail (12).

As to claim 13, Safe-Fence discloses a connector (1) for composite metal and plastic fence rails, comprising, a face plate (encompasses the entirety of 1) with at least two parallel slots (A and B) and a middle portion (3) separating the two slots, the face

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plate having a front side facing away from reader) and a rear side (facing toward reader), the slots sized and shaped to receive a full width and thickness of at least one fence rail therein.

As to claim 14, Safe-Fence discloses a connector (7) including three slots (8, 9, 10) each being parallel to and spaced from its adjacent slot, with the middle slot being slightly wider than the two end slots.

As to claim 15, Safe-Fence discloses a connector wherein the face plate further comprises return edges extending along opposing ends of the face plate, the return edges extending perpendicularly from the face plate faceplate (the hooks 6 shown on either side of component 2 on the R-50 corner tensioner, curve perpedicularly away from the plane of the faceplate).

As to claim 16, Safe-Fence discloses a connector (1) wherein the faceplate further comprises a through hole (see 2) adapted to receive a fastener for securing the connector to a fence post.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Collins (US 349,482), Kopka (US 597,583), Gilmore (US 787,747), Robins (US 4,465,263 and US RE 32,707), Fildan (US 4,791,709), Frew (US 5,64,822), Johnson (US 5,661,878), Crichton (US 6,325,347) are cited for pertaining to fences or end connectors of the type detailed in this application.



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM  
7/1/2005



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Tensioners - Safe-Fence Hardware - Microsoft Internet Explorer provided by USPTO

File Edit View Favorites Tools Help

**'AFFORDABLE  
'ATTRACTIVE  
'EFFECTIVE  
'SAFE**

**HOME**

**SAFE-FENCE  
POLYTAPE**

**SAFE-FENCE  
HARDWARE**

- Safe-Tee-Sleeves
- Tensioners
- Insulators
- Connectors
- Ground Rod Kit
- Miscellaneous

**HORSE POWER  
FENCE CHARGERS**

**INSTALLATION  
DIRECTIONS**

**ELECTRIC FENCE  
THEORY**

**ABOUT  
J.L. WILLIAMS CO.**

## SAFE-FENCE Hardware Tensioners

*SAFE-FENCE Tensioners are the cornerstone of the SAFE-FENCE Hardware System. Of solid stainless steel construction, SAFE-FENCE Tensioners hold your fence firmly, yet in instances of violent impact they are designed to protect your horse.*

**FREE  
INFORMATION**

Email us your name and address (or call toll free 1-800-843-3702) for FREE product samples and information, a Fence Planning Guide and the SAFE-FENCE System Reference Manual.

**FREE  
COST ANALYSIS**

Send us (or call with) a detailed description of your fence needs. Our experienced sales staff will provide a cost estimate at no obligation or up-front expense. Discover the affordability of SAFE-FENCE!

**R-40 End Tensioner**

Begin and end each strand with a R-40 at gate posts or buildings. Holds webbing tight and allows easy re tightening.

**R-50 Corner Tensioner**

Use the R-50 at all corners or any up and down hill direction change greater than 10 degrees. Also used at tape gates.

**R-55 Tee Tensioner**

The R-55 has three tensioners. Use for cross fence junctions.

**R-24 Splicer**

A stainless steel spring buckle similar to the tensioner. Used to join rolls of webbing or repair torn webbing in minutes.

Installation directions and tips for SAFE-FENCE Tensioners.

5

7

Electric Fence Questions? E-mail the SAFE-FENCE Hotline!

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[16 items remaining] Opening page http://web.archive.org/web/20010411023339/http://www.safe-fence.com/hardware/Tensioners.htm...

Figure 1

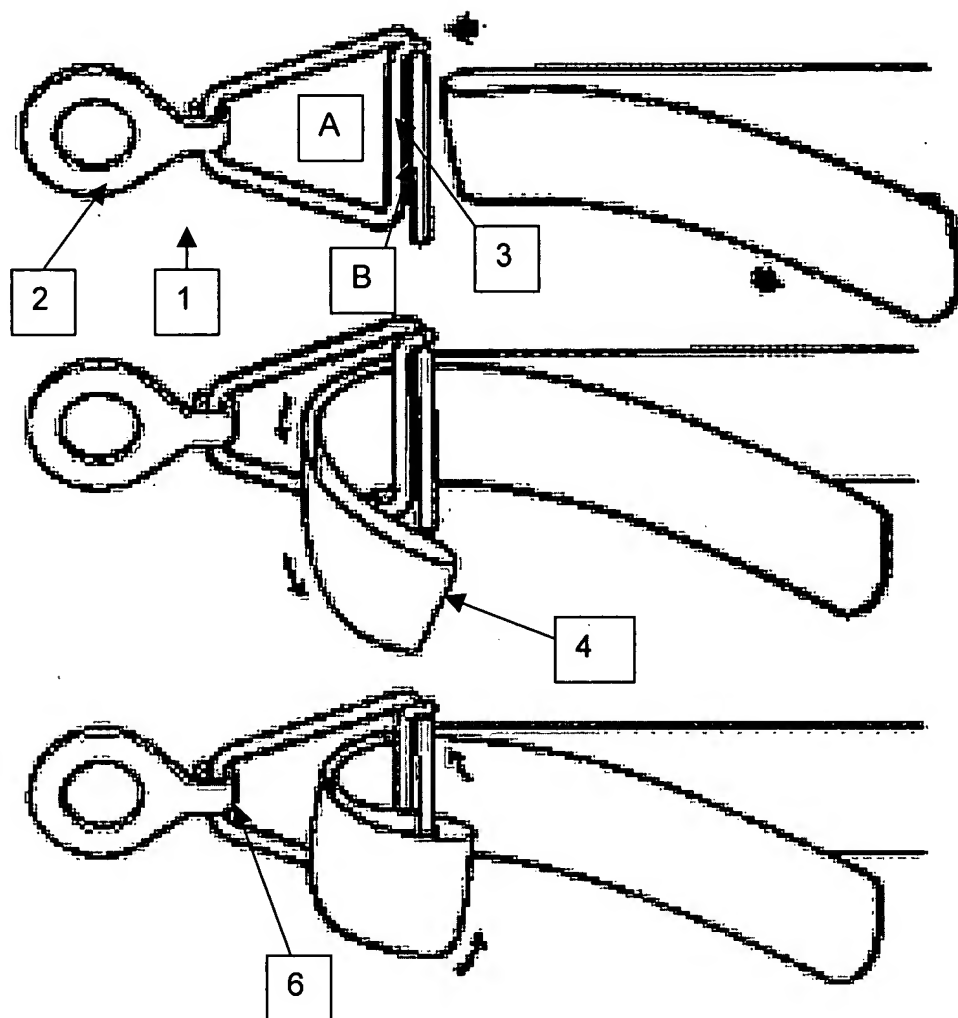


Figure 2

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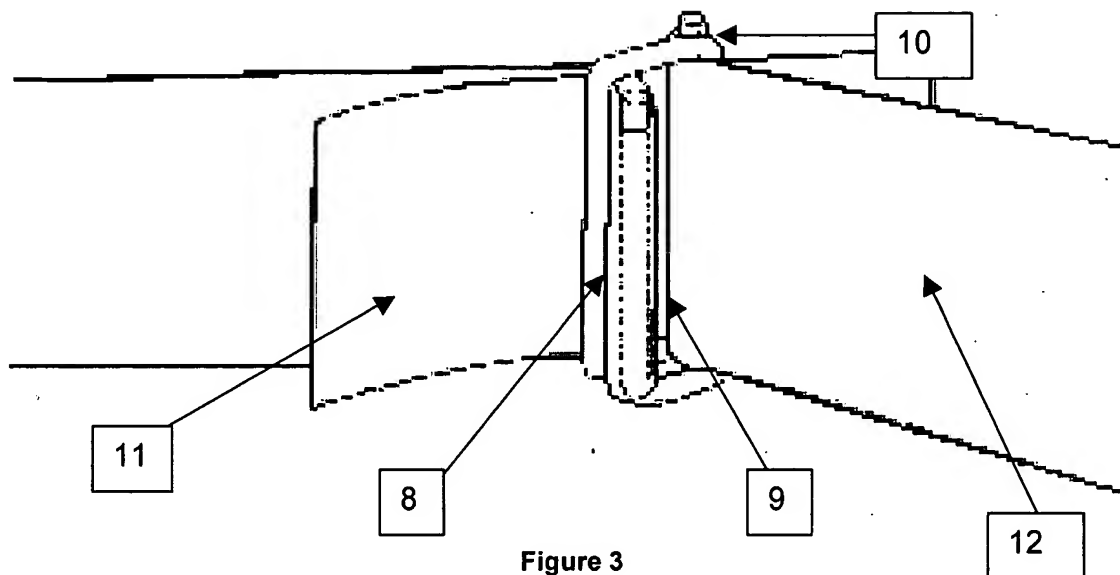


Figure 3